



# ***CITY COUNCIL AGENDA REPORT***

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MEETING DATE: AUGUST 7, 2012

ITEM NUMBER:

**SUBJECT: APPROVE RESOLUTION FOR THE APPLICATION OF GRANT FUNDS FOR THE ENVIRONMENTAL CLEANUP, TIER 2 GRANT PROGRAM UNDER ORANGE COUNTY LOCAL TRANSPORTATION ORDINANCE NO. 3 FOR THE ANAHEIM/SUPERIOR STORMWATER MITIGATION PROJECT**

**DATE: JULY 12, 2012**

**FROM: PUBLIC SERVICES DEPARTMENT**

**PRESENTATION BY: ERNESTO MUNOZ, PUBLIC SERVICES DIRECTOR**

**FOR FURTHER INFORMATION CONTACT: FARIBA FAZELI, INTERIM CITY ENGINEER, (714) 754-5335**

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## **RECOMMENDATION:**

1. Adopt a Resolution for the submittal of a grant application to the Orange County Transportation Authority's (OCTA) M2 Environmental Cleanup Tier 2 Grant Program for the Anaheim/Superior Stormwater Mitigation Project (Attachment 1).
2. Designate the Public Services Director as the City's authorized representative.

## **BACKGROUND:**

The M2 Environmental Cleanup (ECP) Tier 2 Program is designed to fund regional, potentially multi-jurisdictional, capital-intensive projects. Examples include constructed wetlands, detention/infiltration basins, and bioswales, which mitigate pollutants such as litter and debris, heavy metals, organic chemicals, and sediment. The competitive grant applications for the OCTA M2 ECP Tier 2 Grant Program are due on September 4, 2012. Funding for this grant program is provided by the County of Orange's one-half cent sales tax for transportation-related projects. The grant requires a minimum of fifty percent (50%) local match funds.

## **ANALYSIS:**

On May 14, 2012, the OCTA Board of Directors approved the "M2 ECP Tier 2 Fiscal Year 2012-13 Call for Projects". This program will make up to \$13.3 million in grant funds available to the 35 local Orange County agencies. The call has a two-year funding cycle, giving applicants a two-year option to receive the grant funds. The maximum amount that an applicant can receive per project is \$5 million.

Staff is proposing to submit a grant application to the OCTA M2 ECP, Tier 2 Grant Program for the Anaheim/Superior Stormwater Mitigation Project. This project is in the 20-year CIP Priority List for storm drain improvements. Staff will request funding of \$1,750,000 for the construction of a portion of storm drain improvements including a detention/infiltration basin within Lions Park. The total project cost is estimated to be \$3,500,000. If grant funding is approved in March 2013, construction may begin in August 2014. In order for the City to apply for these grant funds a resolution approving the filing of an application and naming the Public Services Director as the City's authorized representative is needed.

**ALTERNATIVES CONSIDERED:**

The City Council may consider not adopting the Resolution. However, this alternative is not recommended as it would result in the City's project application being declined and render the City ineligible to compete for available grant funding.

**FISCAL REVIEW:**

The total construction cost for the Anaheim/Superior Stormwater Mitigation Project is estimated at \$3,500,000. If staff is successful in capturing grant funding for this project, a \$1,750,000 match is required for this grant program. The City's Drainage Fees will provide \$1,500,000 and the remaining \$250,000 will be an in-kind match consisting of staff time for design, grant administration, and construction management.

**LEGAL REVIEW:**

The City Attorney has reviewed and approved the Resolution as to form.

**CONCLUSION:**

It is recommended that City Council adopt the attached Resolution for the filing of a grant application to the Orange County Transportation Authority's (OCTA) M2 Environmental Cleanup Tier 2 Grant Program for the Anaheim/Superior Stormwater Mitigation Project and designate the Public Services Director as the City's authorized representative.



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**ERNESTO MUNOZ**  
**Public Services Director**



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**FARIBA FAZELI**  
**Interim City Engineer**

Attachment: 1 - Proposed Resolution

c: Chief Executive Officer  
City Attorney  
Interim City Clerk  
Parks Project Manager  
Contract Administrator

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA  
AUTHORIZING AN APPLICATION FOR FUNDS FOR THE ENVIRONMENTAL  
CLEANUP, TIER 2 GRANT PROGRAM UNDER ORANGE COUNTY LOCAL  
TRANSPORTATION ORDINANCE NO. 3 FOR THE  
ANAHEIM/SUPERIOR STORMWATER MITIGATION PROJECT

WHEREAS, Orange County Local Transportation Ordinance No.3, dated July 24, 2006, and is known and cited as the Renewed Measure M Transportation Ordinance and Investment Plan makes funds available through the Environmental Cleanup Program to help protect Orange County beaches and waterways from transportation-generated pollution (urban runoff) and improve overall water quality.

WHEREAS, the Environmental Cleanup, Tier 2 Grant Program consists of funding regional, potentially multi-jurisdictional, capital-intensive projects, such as constructed wetlands, detention/infiltration basins and bioswales, which mitigate pollutants including litter and debris, heavy metals, organic chemicals, sediment, and nutrients.

WHEREAS, OCTA has established the procedures and criteria for reviewing proposals; and

WHEREAS, The City of Costa Mesa possesses authority to nominate water quality improvement projects that have a transportation pollution nexus to finance and construct the proposed project; and

WHEREAS, by formal action the Costa Mesa City Council authorizes the nomination of the Anaheim/Superior Stormwater Mitigation Project, including all understanding and assurances contained therein, and authorizes the person identified as the official representative of the City of Costa Mesa to act in connection with the nomination and to provide such additional information as may be required; and

WHEREAS, the City of Costa Mesa will maintain and operate the equipment acquired and installed; and

WHEREAS, the City of Costa Mesa will give OCTA's representatives access to and the right to examine all records, books, papers or documents related to the funded Tier 2 Grant Project; and

WHEREAS, the City of Costa Mesa will cause work on the project to be commenced within a reasonable time after receipt of notification from OCTA and that the project will be carried to completion with reasonable diligence; and

WHEREAS, the City of Costa Mesa will comply where applicable with provisions of the California Environmental Quality Act, the National Environmental Policy Act, the Americans with Disabilities Act, and any other federal, state, and/or local laws, rules and/or regulations;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Costa Mesa, hereby authorizes the Public Services Director as the official representative of the City of Costa Mesa to accept funds for the Environmental Cleanup, Tier 2 Grant Program for the Anaheim/Superior Stormwater Mitigation Project.

BE IT FURTHER RESOLVED that the City of Costa Mesa agrees to fund its share of the project costs and any additional costs over the identified programmed amount.

PASSED AND ADOPTED this 7<sup>th</sup> day of August 2012.

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Mayor

ATTEST:

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Interim City Clerk